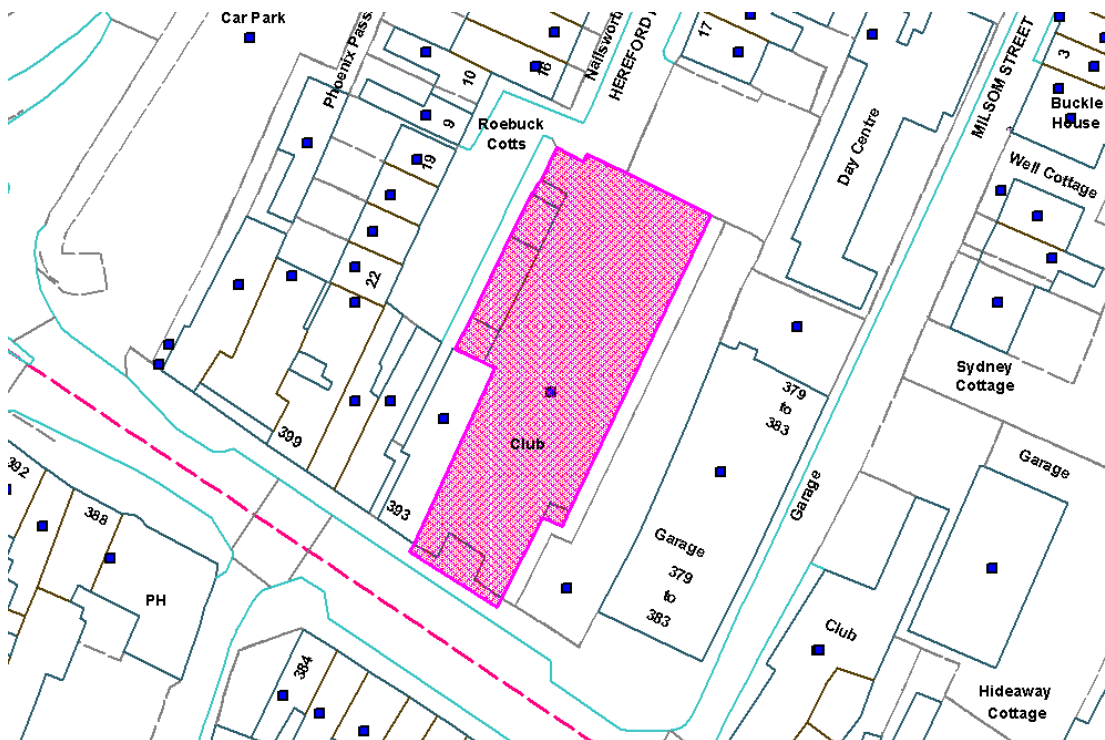


<b>APPLICATION NO:</b> 14/01423/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 12th August 2014	<b>DATE OF EXPIRY:</b> 11th November 2014
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b>	Lance Leisure Ltd
<b>AGENT:</b>	DK Planning & Development Ltd
<b>LOCATION:</b>	391 High Street, Cheltenham
<b>PROPOSAL:</b>	Demolition of existing building and the construction of a four storey building for residential use together with three town houses and associated parking

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the re-development of a site on the northern side of High Street near the junction with A4019. The site is located within the Lower High Street Character Area of the Central Conservation Area.
- 1.2 The application proposes, following the demolition of the existing Ace Bingo building (391 High Street), the erection of 14 new residential units comprising 3 two storey houses to the rear of the site, with a four storey building to the front of the site, facing High Street, providing 11 one and two bed apartments. A car parking area is proposed between the proposed building and the houses which would provide 14 parking spaces, accessed via Milsom Street, Nailsworth Terrace and Hereford Place.
- 1.3 The application is before the Planning Committee at the request of Councillor Jon Walklett to consider the public objection to the application.
- 1.4 Members will visit the site on planning view.
- 1.5 There is no relevant planning history for the site, however two permissions have been granted in close proximity to the site, 11/00514/FUL and 12/00518/FUL. Both permissions are still valid but work has not started.
  - 11/00514/FUL - planning permission was granted for the construction of a new building for mixed residential and retail use, following the demolition of the existing building on land at 379-383 High Street (Widdows Motors).
  - 12/00518/FUL - planning permission was granted for the erection of a building comprising a shop unit and 2 bed flat at ground floor level, 2no x 2 bed apartments on first and second floors, 2no x 1 bed apartments on third floor as well as the provision of car parking facilities and a single storey building for storage of waste and bicycles on land at 385-387 High Street (strip of vacant land between Widdows Motors and the application site).

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Residents Associations  
Lower High Street Shopping Area  
Smoke Control Order

### **Planning History:**

**03/01690/FUL 11th December 2003 PER**

Installation of telecommunications equipment comprising 3 antenna, 1 transmission dish, cabinet equipment and ancillary equipment

**84/00557/PF 27th September 1984 REF**

Mecca Social Club - Tile Hanging To Upper Front Elevation

**94/00666/PF 25th August 1994 PER**

Alterations to Front Elevations To Include New Doors And Frames, New Ceramic Tiling And Decoration

### **3. POLICIES AND GUIDANCE**

Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 6 Mixed use development  
CP 7 Design  
BE 3 Demolition in conservation areas  
HS 1 Housing development  
RC 1 Existing community facilities  
RC 6 Play space in residential development  
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

**Gloucestershire Centre for Environmental Records**

*21st August 2014*

The data search for this site is based on the grid reference supplied by CBC, which is assumed to be located at the centre of the planning application site. GCER searches for all data within 250m of the grid reference. The provision of this data shows that the importance species or habitats are present on or near the proposed development site; however it does not show that important species or habitats are not present or affected by the development.

**Architects Panel**

*23rd September 2014*

The panel felt that the modelling of the High Street elevation was weak and could perhaps benefit from picking up on floor levels of further vertical division. The detailing of the roof line was also seen as slightly weak. The rear elevation to units 1-3 could also possibly benefit from additional vertical sub-division. The panel would therefore support this application subject to some refinement.

**GCC Highways Planning Liaison Officer**

*9th September 2014*

Site Location

The site is located in the town centre of Cheltenham along the High Street and the rear faces towards Nailsworth Terrace/Hereford Place.

### Accessibility

I consider that the proposed site to be a very sustainable site within a town centre environment serviced by local amenities with many social amenities, public house(s), community centre a library shops and many employment sites.

There are good highway links and a local bus service connecting to the outlying residential and shopping areas together with schools and Cheltenham Railway and the National Express Coach facility being both within 1 mile of the site providing national rail and coach links.

The site has 10 primary school(s) within 0.6 and 1 mile and 10 secondary school (s) within 0.6 and 1.5 mile(s). There is a good standard of pedestrian pathways linking to Cheltenham Town Centre and adequate cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

### Accidents

There are no reported accidents along Milsom Street or Nailsworth Terrace/Hereford Place which are the proposed vehicle access routes to the site. There is no road safety considerations related to the proposed application.

### Existing Site Access

Site access is currently from High Street and along Milsom Street onto or Nailsworth Terrace/Hereford Place.

### Proposed Site Access

I note from the public comment that there is no objection in principle to the development however some concern has been raised in regards to the access proposed from the square known as Hereford Place. I have made note of the comments made in addition to my site visit these being;

Access Vehicular access to the main site access is through a narrow access onto Hereford Place (described locally as a square) via Nailsworth Terrace/Hereford Place.

Extra vehicular movement from the site would be considered to be a significant intensification to which is currently in place in particular the entrance into the shared parking area known as Hereford Place. At this point there is an area dedicated as footway to the North which is shown as servicing properties' No's 9 & 10 (width approximately 1m at it narrowest point) which appears to be currently covered over with a bitumen surface however part of the edging is still visible. There is a Public Right of Way (No ZCH 21 with a width of approximately 2m) which runs from Nailsworth Terrace/Hereford Place across the access onto Hereford Place and along the side the existing Bingo Hall boundary onto the High Street.

Hereford Place currently provides unallocated on-street parking for a minimum of 8 vehicles although no parking spaces are marked which the site visit confirmed. The proposed access as shown on Drawing No A1348.10 would have an impact on the current parking arrangements and lead to a reduction in the available parking spaces within Hereford Place due to the need to maintain access to the proposed site. In addition this would lead to a displacement of vehicles currently parking on Hereford Place onto Nailsworth Terrace/Hereford Place.

### Car Parking Survey & Survey Report

A Car Parking Survey & Survey Report has been commissioned and submitted by the applicant, the conclusion and results of the survey have been able to demonstrate that visitor parking is available on Nailsworth Terrace/Hereford Place.

### Resident Parking Scheme

The local community have been involved with informal discussions related to a proposal for the introduction of a local resident parking scheme for Milson Street and Nailsworth Terrace/Hereford Place. If this scheme is implemented there will be a significant betterment to enable both resident and visitor permit parking to support the development.

### Proposed Site Access – Visibility

Drawing No A1348-11 shows one parking space entered directly from Terrace/Hereford Place across a section of unclassified and not adopted section of highway. The remaining vehicular access being from the non-adopted section of highway known as Hereford Place (Locally described as the Square).

There is no current vehicular access and established visibility splay established from Hereford Place (Locally described as the Square).

### Hereford Place (Locally described as the Square) - Shared Space Street & Footway

It is noted from the site visit that Hereford Place (Locally described as the Square) operates as a shared space street un-adopted highway. Highway plans reveal the Public Right of Way No ZCH 2, records further show a footway to the North which is shown as servicing properties' No's 9 & 10 (width approximately 1m at it narrowest point) which appears to be currently covered over with a bitumen surface however part of the edging is still visible.

### Shared Space Street & Footway

It is noted from drawing No A1348-11 that the site will be operated as a shared space street. *Our local guidance "Manual for Gloucestershire Streets (3rd Edition Adopted 12th June 2013)" provides guidance for "Shared Surface Streets". Therefore all drawings submitted with the planning application showing the shared space street needs to demonstrate the shared space street has adequate highway width and can accommodate vehicle tracking and bend widening to accommodate vehicle passing in both directions and provision for pedestrians throughout the shared space street within the development.*

*Highway Width: Generally 6.8m but subject to swept path analysis to determine the need of over-run areas on bends. Localised narrowing's to a minimum of 3.7m over short distances on straight sections may be acceptable but will be subject to the provision of an unobstructed pedestrian corridor.*

### Adopted Highway & Public Right of Way

In addition to the identified Public Right of Way (No ZCH 21) highway records show that that the adopted highway ends at the boundary of No 16 Nailsworth Terrace/Hereford Place therefore the access to the site from this junction and via Hereford Place is not via adopted highway.

The Public Right of Way Team at Gloucestershire County Council will need to be consulted with reference to the Public Right of Way (No ZCH 21) prior to any proposed works being undertaken.

Please Note: According to Highway records, the area proposed for site access is not considered to form part of the highway maintainable at public expense (as listed under s.36[6] of the Highways Act 1980).

Note: Therefore the agent/developer will need to establish the access rights as proposed for the creation of the proposed accesses.

### Refuse Collection & Bin Storage

It is noted from the submitted drawings that bin storage is shown, however there is no turning point shown which would enable a refuse vehicle to service the site. Having said

this Hereford Place (Locally described as the Square), Nailsworth Terrace/Hereford Place is currently serviced by refuse collections.

**I refer to the above application received at our office on 12th August 2014 for Demolition of existing building and the construction of a four storey building for residential use together with three town houses and associated parking at 391 High Street, Cheltenham, Gloucestershire, GL50 3HU together with Block Plan Drawing No(S) A1348.10, a1348-12 Application, Design and Access Statement, Car Parking Survey, Parking Report and public comment dated 31st August 2014 and a site visit that was undertaken.**

**I recommend that no highway objection be raised subject to condition(s) being attached to any permission granted.**

**GCC Highways Planning Liaison Officer**

*25th September 2014*

I have reviewed correspondence from the local resident representation regarding the outcome from the parking survey undertaken by the applicant.

I acknowledge that the concerns that have been raised relate to the issue that the parking survey was carried out during a non-natural period, that being that the survey was carried out during the term break both for local schools and the university.

It would therefore seem appropriate that a new survey is carried out during the current term time to establish if the level of parking availability shown in the previous survey is consistent with that of term time as opposed to a period in which the survey was undertaken during the term break.

**Cheltenham Civic Society**

*21st August 2014*

We found this uninspiring, and would favour something bolder with more articulation for the High St, an important street

**County Archaeology**

*18th August 2014*

I advise that the application site is archaeologically sensitive, since it is located within Cheltenham's medieval settlement area. Therefore, significant archaeological deposits relating to medieval settlement may be adversely affected by construction ground works required for the proposed development.

In view of the potential for medieval settlement remains to be present within the application site I recommend that a programme of archaeological monitoring of construction ground works should be undertaken should development proceed, so as to make provision for the recording of any archaeological remains which may be revealed during the development.

In order to facilitate this I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: to make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

I would be pleased to provide the applicant on request with a brief confirming the scope of the archaeological mitigation.

## **Heritage and Conservation**

*7th January 2015*

Analysis of Site: comprises of two quite different parts of the site, with quite different characters (ie the part of the site facing the High Street and the part of the site facing Hereford Place).

Historic analysis of the site:

Hereford Place was in existence in 1832 and is shown on the 1834 map as a narrow in a cul-de-sac opening into Swindon Road. Some of the historic houses in Hereford Place were demolished as part of the 1936 slum clearance programme.

Comments:

1. Please note that many of the comments set out below have already been stated in the previous pre-application comments and whilst some of my pre-application (13/01589/PREAPP) comments have now been addressed by the submitted application, some remain of a significant concern.
2. This site is adjacent to a vacant site on the south-east, which has already received planning permission for re-development. I suggest it is essential that this extant scheme is considered prior to discussing this application site in too much depth. A joint consideration of the two sites is a preferable form of development.
3. **EXISTING SITE AND ADJACENT BUILDINGS:**
  - a. Adjacent buildings: I remain unhappy about making comments about the proposals especially the proposed height, without an accurate survey drawing of adjacent properties. This point was made at pre-application stage and appears not to have been addressed. Indeed it is noted in the applicant's Planning Statement clause 6.14 states that the proposed four storey element on the High Street takes its lead from the height of the adjacent buildings immediately to the west. However whilst the proposed building has floor levels given accurately, the key heights of the adjacent buildings to the west such as the eaves height and window head heights and roof ridge height appear not to have been accurately recorded.
  - b. Bingo Hall:
    - i. It is accepted in principle that the demolition of the former cinema now Bingo Hall is acceptable although regrettable, subject to the detailed design of the replacement building being acceptable.
    - ii. However the Bingo Hall is in the conservation area and the applicant has failed to submit any appraisal of how its loss will impact on the conservation area. Such an appraisal is required under clause 128 of the NPPF.
    - iii. Whilst it is accepted that the former bingo hall has been identified as a neutral building in the conservation area appraisal, it does have some merits, in that it does provide an active street frontage. However the applicant has

not provided any analysis of the existing building or its impact on its surroundings.

- c. Site analysis: the applicant appears not to have submitted any through site analysis, or made an assessment of the impact of the proposals on the site as a whole including any proposed impact on the adjacent buildings including the Locally Indexed Building on Milsom Street.

#### 4. PROPOSED SITE LAYOUT:

- a. The principle of developing the site in two sections seems to be acceptable.
- b. However whilst it seems suitable to access the site from Hereford Place, the existing access around the existing north-west corner of the site and the proposed access is extremely tight and may prove to be impossible for a fire engine and/or refuse lorry to gain access. Therefore it is extremely important to receive highway comments now given that the bin storage for the new proposed development is located on the south side of the access pinch point.
- c. The existing alleyway to the east side of the site is not within the application site but on adjacent land. It is not clear if this alleyway is a public right of way and this is an important consideration which needs to be confirmed, given the way the windows on the east elevation have been designed (see my later comments).
- d. The east/west orientation of the town house block, does seem to be ignoring the historic urban grain and is creating an even more awkward relationship to the houses at the south end of Hereford Place. I have major concerns about this element of the design. The size and location of these town houses would also adversely impact on the adjacent Locally Indexed former school building (ie former 19th school in Milsom Street).
- e. A more suitable site layout might to continue the two storey housing along the east side of Hereford Place, respecting and continuing the current building line.
- f. However at pre-application discussion it had been suggested that if the east-west orientation of this block was to be successful then the pinch point on the north-west corner needed to be resolved and the hard landscaped area of Hereford Place should be softened by green landscaping. The proposed tiny patch of green which is sandwiched between two parking spaces is not adequate to create a quality environment and address my fundamental concerns.
- g. The proposed location of the bin storage area is of concern given the potentially difficult access for refuse lorries (see comment above). However in addition the principle of enclosing the bin area with a timber enclosure/fence is totally unacceptable and wherever the bin storage is located it should be hidden by a brick enclosure.

#### 5. PROPOSED DETAILED DESIGN, FORM AND MASS OF THE BUILDINGS:

- a. The proposal has now been changed since the pre-application submission to have a two storey block of three town houses instead of a three storey block on the north side of the site and this reduced height is welcomed.
- b. The proposed 3d sketches and the internal courtyard elevation of the town houses and the north-west and south-east elevations show a large balcony over car parking



to the town houses on the north part of the site. However this location to the rear of the site is a small scale low height built environment and an under-croft parking solution does not seem appropriate here. Again this point was made at pre-application stage.

- c. The acceptability of the height of the proposed building on the High Street elevation depends on the height of adjacent properties being accurately surveyed and also the extant scheme on the adjacent site (see comment above).
- d. However notwithstanding the above comment, the proposed balconies facing on to the High Street are an alien feature in the High Street. Fortunately since the pre-application submission the size of the balconies have been reduced and set back from the front parapet edge, but the front balcony to flat 10 is proposed to extend in front of the communal stairwell and this balcony and people on it will be very prominent. This balcony arrangement as shown is not acceptable.

## 6. DETAILED DESIGN OF THE NEW BUILDINGS:

### a. Town houses:

- i. The layout and form of the town houses has been discussed above as being of concern.
- ii. In addition the ground floor layout seems quite odd in some respects, because the houses are all accessed from the rear parking area via an external door leading into a bedroom. This arrangement may cause concerns to the Police secure by design officer.
- iii. The proportions of the north-west and south-east elevations are poor.
- iv. The south-east elevation as shown does not agree with the first floor plan
- v. The large balcony/car port conceals the poor fenestration pattern on the south elevation. If the balcony/car port is removed in any revised scheme then the fenestration arrangement will need further consideration.

### b. High Street flat block:

- i. Ground floor flat 1 has a bedroom with no window and therefore no natural ventilation. This is likely to be unacceptable to building control and I strongly suggest that their comments are obtained on this point.
- ii. In addition the windows which face on to the east side alley (see comments above) may be of concern in relation to unprotected areas for fire. Whilst the windows could be fitted with fire glass, the benefit is such glass will be lost as soon as the window is opened. Again this arrangement is likely to be unacceptable to building control and I strongly suggest that their comments are obtained on this point.
- iii. The front window on the front elevation to the main common staircase is located on the plan at the half landing level. However on the elevation it is shown on the main floor level. This needs to be checked as these staircase windows are quite likely to need to be staggered in height in relation to the main floor levels.
- iv. The ground floor main entrance door is hidden behind a return of wall. This arrangement may cause concerns to the Police secure by design officer.

- v. The front entrance lobby lacks any natural daylight or ventilation and this seems to be a missed opportunity. The provision of natural light reduces the need for artificial lights, also reduces the need for electricity and reduces the carbon footprint of the building.

SUMMARY: There are a number of fundamental concerns which were raised at pre-application stage and remain of concern. In addition there are a number of detailed design concerns.

### **Comments received on revised plans and additional information**

#### **Architects Panel**

*3rd February 2015*

The panel was referred to its previous comments. Following these, changes have been included. The simple, vertical definition helps the proportion of the elevations, but will need to be reasonably robustly expressed in reality. The horizontal banding on the front also helps the overall composition and the comment above applies equally. The panel is happy to support the scheme as proposed.

#### **Heritage and Conservation**

*10<sup>th</sup> March 2015*

My previous concerns have all been addressed by the revised drawings. However this is an area of the town where archaeology remains do exist and therefore I suggest a standard archaeology condition.

No objection to the proposals subject to conditions.

#### **GCC Highways Planning Liaison Officer**

*11<sup>th</sup> February 2015*

The applicant had previously submitted a parking survey carried out during the non-term break for local schools and the university in close proximity to the site. The applicant was asked to carry out a new parking survey during current term time to establish if the level of parking availability shown in the previous survey is consistent with that of term time.

The parking survey undertaken by the applicant during term time demonstrates that the level of on-street parking available does not greatly differ from that of non-term time.

With 14 off-street car parking spaces being provided for the site and the availability of on-street parking in the area, it is considered that the parking provision for the site is acceptable.

## **7. PUBLICITY AND REPRESENTATIONS**

- 7.1 Letters of notification have been sent to 71 neighbouring properties on receipt of the original application. Further letters have been sent out following the submission of additional parking survey information and revised plans. A site notice was also displayed at the site along with an advert being placed in the Echo.

**7.2** In response to the publicity, objections have been received from 11 local residents. All of the comments received have been circulated to Members in full, the main objections relate to:

- Increase in traffic and reduction in parking spaces.
- Existing narrow road with existing parking and congestion.
- Access for emergency and refuse vehicles.
- Parking survey has been conducted outside student term time.
- Potential overlooking and the rear balconies.
- Location and type of bin storage area.
- Loss of the entertainment facility.
- Loss of a building with historic interest.

**7.3** Within the letters of objection comments have been made in support of general principal of redevelopment of the site.

## **8. OFFICER COMMENTS**

### **8.1 Determining Issues**

**8.1.1** The key issues in determining this application are considered to be principle, design and layout along with its impact on conservation area, neighbour amenity, and highway safety.

### **8.2 The site and its context**

**8.2.1** The site is located within the Lower High Street Character Area of the Central Conservation Area and is identified within the Character Appraisal as a 'significant neutral' building (neither enhances nor detracts from the character or appearance of the character area).

**8.2.2** Officers consider that the current building does not make a positive contribution to the conservation area and its demolition is considered to be acceptable subject to replacement buildings being acceptable.

### **8.3 Principle**

**8.3.1** The NPPF sets the weight to be attached to existing Local Plan Policies. Annex 1 'Implementation' of the NPPF sets out at paragraphs 214 and 215 that for Local Plans which have not been adopted in accordance with the Planning and Compulsory Act 2004, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The Cheltenham Local Plan was adopted in accordance pre-2004 legislation and therefore only policies which comply with the NPPF carry weight, and where the Local Plan is not in accordance or is silent then the NPPF is the lead document in making planning decisions.

**8.3.2** Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that

relevant policies for the supply of housing should not be considered up-to date if the local authority cannot demonstrate a 5 year supply of deliverable housing sites. To note, the Council cannot demonstrate a 5 year-supply.

- 8.3.3** Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. For decision making this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. The second bullet point says that where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that permission should be granted unless any adverse impacts of so doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate development should be restricted.
- 8.3.4** The site is located within the built up area of Cheltenham in a sustainable location. The principle of considering a residential use in this location is therefore acceptable and NPPF compliant subject to other considerations as set out below.
- 8.3.5** Reference has been made to the loss of bingo activity. The use of the site is not B1, B2 or B8 and therefore Policy EM2 which seeks to retain employment provision is not relevant. Policy RC1 does seek to retain premises that meet the needs of the community but sets out that there is no longer a need for some uses. The application sets out that there has been a steady decline in the bingo industry which is linked to online gaming. Between 2006 and 2008 there has been a reduction of 30% admission rates to this bingo hall with a further drop of 20% up to 2013. There is evidence to demonstrate that the demand for the bingo use is significantly in decline and in combination with the thrust the NPPF as set out above there is no policy presumption to require the retention of this building for bingo use.
- 8.3.6** Given the above, the principle of considering a residential redevelopment of this site is compliant with the presumption in favour of sustainable development established by the NPPF.

## **8.4 Design and layout**

- 8.4.1** Local Plan policy CP7 requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. The NPPF at paragraph 56 sets out that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.4.2** Following comments provided by the Conservation Officer, Architect Panel and the Civic Society extensive discussions have taken place with the applicant. In response, the applicant has submitted revised plans. A contemporary design approach is retained from the original submission however the detailed design has been amended. The Architects Panel and the Conservation Officer in considering these revised plans are now supporting the application. (Civic Society has not reviewed the revised plans.)
- 8.4.3** The application as revised proposes a contemporary design approach. To the front is a four storey block which will provide 11 apartments facing towards the High Street, with 3no. two storey town houses proposed to the rear of the site. The courtyard created between the buildings will provide 14 car parking spaces with bin storage located adjacent to the proposed entrance to the site.

- 8.4.4** The proposed four storey element on the High Street will be set back from the road following the building line of the existing building. It takes its lead from the buildings to the west of the site and acts as a transition in terms of the proportions between the existing buildings to the west towards the gap and buildings to the east. The use of materials reflects the existing context of the site, render and brick, whilst the introduction a new modern use of metal cladding on the recessed fourth floor helps to reduce the overall mass and scale of the building. The proposed town houses to the rear are two storey which responds to the residential scale at this part of the site. The design approach taken is also contemporary however uses materials again to reflect the existing context i.e. brick and render.
- 8.4.5** Overall it is considered that the proposal would visually improve the appearance of the site. The application in its revised format provides for a development of a scale, height, massing and footprint which would sit comfortably within its context and street scene of this part of the High Street and Hereford Place. The revised proposal is therefore considered to be in accordance with Policy CP7 of the Local Plan and the NPPF.
- 8.4.6** As set out in the introduction there are two extant planning permissions to develop the wasteland immediately adjacent to this site and the former Widdows Motor site. These permissions are for four storey developments both taking a contemporary design approach. The plans submitted and to be displayed at the Committee meeting show the current proposal in the context of these permissions and without them. It is also considered that the design approach in the current application responds responds well with these schemes.

## **8.5 Impact on neighbouring property**

- 8.5.1** Policy CP4 of the Local Plan advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality.
- 8.5.2** Concerns have been raised by some local residents on potential overlooking created from the balconies proposed. As revised, the application proposes a front facing balcony on the High Street elevation at 4<sup>th</sup> floor level, two rear facing balconies to the rear elevation at 2<sup>nd</sup> and 4<sup>th</sup> floor level with balconies proposed to the rear elevation of the town houses facing back toward the High Street block.
- 8.5.3** The balcony proposed on the High Street elevation is facing the public realm therefore there is no overlooking concerns from this balcony. The balconies proposed to the rear of this building at 2<sup>nd</sup> floor and to the rear of the town houses will only overlook the proposed car parking area; this will help to provide natural surveillance over the car park and will not provide for any overlooking outside the application site. The balcony which is providing the greatest concern is the 4<sup>th</sup> floor rear balcony. Perceived overlooking concerns from this balcony are understood, however this balcony will be located some 45m away from the nearest rear garden. The combination of this distance and the location of the proposed two storey town houses between the balcony and the nearest rear gardens will not result in overlooking, the balcony will in fact be not be visible from the from the vantage point of the rear garden in question.
- 8.5.4** Officers are satisfied that the proposed development complies with the aims and objectives of policy CP4 and would not cause undue harm to the amenity of neighbouring properties.

## **8.6 Access and highway issues**

- 8.6.1** To the rear of the site 14 car parking spaces are proposed, one space per unit. A car parking survey was also submitted with the application to review the capacity of on street parking in the vicinity of the site. Following concerns raised by local residents and the Highway Officer that the car parking survey had been carried out in the summer (therefore did not include the student population) the applicant has submitted a revised car parking survey. The streets surveyed were Nailsworth Terrace, High Street between Burton Street and Milsom Street and parking bays adjacent to Poole Way.
- 8.6.2** The surveys took place though November on Fridays between 1600 and 1840 hours and 1100 and 1440 hours on a Saturday at 10 minute intervals. The survey concluded that at all times there are up to 5 car parking spaces available in these peak demand times. In response to the additional survey, the Highway Officer has reiterated that there is no highway objection to the application, concluding that *with 14 off-street car parking spaces being provided for the site and the availability of on-street parking in the area, it is considered that the parking provision for the site is acceptable.*
- 8.6.3** The site is located in a highly sustainable location with a number of bus routes available in close proximity to the site. The submitted scheme also provides secure cycle storage. Furthermore in addition to the car parking survey there is also the pay and display car park available (West End) which is located in close proximity to the site. In considering car parking matters, Officers consider that evidence has been presented to demonstrate that, in addition to the one car parking space per unit being provided on site, there are alternative modes of transport available and sufficient alternative parking options available near the site.
- 8.6.4** The Highway Officer in his response has referred to a resident parking scheme consultation for Milson Street and Nailsworth Terrace/Hereford Place which took place last year. The residents parking scheme is to be implemented in June of this year, which will further restrict parking on the roads with parking permits made available to exiting residents.
- 8.6.5** Access to the site is also a concern with local residents, these concerns also refer to additional traffic, narrow roads and access for refuse vehicles and emergency services. It is apparent that the access to the site is constrained with the roads being narrow, particularly at the entrance to Hereford Place. In considering these points the Highways Officer has provided a detailed analysis of the site and has confirmed that there have been no recorded accidents on these streets. The Highways Officer has no objection to the application, subject to conditions being attached.
- 8.6.6** Ubico has produced some standard advice for new developments which is normally sufficient to guide planning applications. In this case, due to the narrow roads, Officers have had discussions direct with Ubico to seek clarification on the existing and proposed refuse situation. Ubico have confirmed that smaller vehicles are used for the collection of waste on these streets and that they have no objection to the scale of development proposed or the location of the bin store.
- 8.6.7** While the comments of the local residents are understood, given the comments provided above the application is considered to comply with policy TP1 of the Local Plan.
- 8.6.8** There is an area of land located between the application site and the adopted highway on which ownership questions have been raised by local residents and the Highway Officer. This is a civil matter which the applicant will need to resolve

separately. Should members be minded to granting permission this does not give the applicant a legal right to progress with the development or access the site via land not in their ownership.

## **8.7 Other considerations**

- 8.7.1** The application site is archaeologically sensitive as it is located within Cheltenham's medieval settlement area. The County Archaeological Officer has recommended that a programme of archaeological monitoring of construction ground works should be undertaken which can be dealt with by a condition.
- 8.7.2** The proposal would result in the net gain of residential units. This triggers the requirement for an off-site contribution, in accordance with policy RC6. A condition has been attached to ensure this payment is secured.
- 8.7.3** A report has been generated by the Gloucestershire Centre for Environmental Records. This report states that the closest siting of an importance species or habitats was 230m away from the application site. Given this distance there are not considered to be any ecological implications.

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1** The loss of the bingo hall is considered to be acceptable in principle subject to the satisfactory scheme for redevelopment.
- 9.2** The site is located in a highly sustainable location and therefore the principle of a residential redevelopment on the site is considered to be acceptable.
- 9.3** As revised, the proposed development is considered to be of a suitable scale, height, massing and footprint for the site and sits comfortably within the context of the locality and the Conservation Area.
- 9.4** The scheme has been considered to ensure that the proposed dwellings could be comfortably accommodated within the site without causing unacceptable harm to the neighbouring amenity in respect of privacy, daylight or outlook.
- 9.5** The proposal would not have a severe impact on highway safety, and no Highway objection has been made.
- 9.6** The recommendation is to grant planning permission subject to conditions.

## **10. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers A1348: 11 Rev D; 12 Rev D; 14 Rev C and 15 Rev C received 5th March 2015.

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

- 4 Prior to the commencement of development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time that either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the approved development, and to safeguard the visual amenities of the locality and users of the highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 5 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall thereafter be adhered to throughout the construction period. The statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development; and
- wheel washing facilities.
- specify the access points to be used and maintained during construction phases (s)

Reason: To minimize disruption, congestion and hazards on the public highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 6 Prior to the commencement of development, a scheme for the control of noise and dust from the site during the demolition and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed hours of work, equipment and procedures to control dust emissions, and any other steps to be taken to control similar nuisances. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To safeguard the amenity of adjoining properties and to protect the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 7 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 8 Prior to any construction work above ground level, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the



Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 9 Prior to any construction work above ground level, the detailed design including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- i. All roof parapet/eaves details and handrail/balustrading detail to balconies including roof terraces and Juliette balconies;
- ii. Render lines/patterns
- iii. Window details including cills, heads and reveals.
- iv. Blank window details including heads and reveals.
- v. Position on building of all rainwater downpipes and hopper heads

The design and details shall be accompanied by elevations and section drawings, and the works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 10 Prior to its implementation, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 13 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development and thereafter kept free of obstruction and available for the parking of cycles only.

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.

- 14 Prior to first occupation of the development, the refuse storage area as shown in approved plans shall be completed in all respects and thereafter kept free of obstruction and maintained as such.

Reason: To ensure adequate provision and availability of refuse storage in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 15 Prior to occupation of the proposed development details of the vehicular access to be formed by a dropped curb shall be submitted to and agreed in writing by the LPA and those details once approved shall be completed in all respects prior to any dwelling being brought into beneficial use.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed and in accordance with policy TP1 of the Local Plan and paragraph 35 of the NPPF.

- 16 No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 35 of the NPPF.

- 17 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted amended Drawing N0 A1348-11 Rev D and those facilities shall be maintained available for those purposes thereafter.

Reason:- To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site and in accordance with policy TP1 of the Local Plan and paragraph 39 of the NPPF.

- 18 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road that enables both vehicular and pedestrian visibility from both the right and left when exiting the access onto Hereford Place and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1 metre and 2.1m above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained, and in accordance with policy TP1 of the Local Plan and paragraph(s) 32 and 35 of the NPPF.

- 19 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: to make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

- 20 No demolition works shall commence until a contract has been signed to carry out works in accordance with a redevelopment scheme for which planning permission has been granted.

Reason: To ensure that premature demolition does not result in unsightly gap in the street scene in accordance with Local Plan Policy BE4 relating to the timing of demolition in conservation areas, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

- 21 No demolition works shall commence until a contract has been signed to carry out works in accordance with a redevelopment scheme for which planning permission has been granted.  
Reason: To ensure that premature demolition does not result in unsightly gap in the street scene in accordance with Local Plan Policy BE4 relating to the timing of demolition in conservation areas, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.
- 22 Prior to the commencement of development, a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is first occupied.  
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policy CP7 relating to design.

#### INFORMATIVES:-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.
- At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.
- In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.
- 2 The applicant's/developer's attention is drawn to the Council's 'Code of Good Practice - Building and Demolition Site Operators' leaflet which sets out reasonable working hours for noisy activities which would be audible beyond the site boundary. The hours are 7:30am - 6:00pm Monday to Friday, and 8:00am - 1:00pm on Saturdays.
- 3 The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.
- 4 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.